

# **EXHIBIT 16**

**The  
Intercept**

# MAKERS OF OXYCONTIN BANKROLL EFFORTS TO UNDERMINE PRESCRIPTION PAINKILLER REFORM

Pharmaceutical companies that manufacture and market highly addictive opioid painkillers are funding nonprofit groups fighting against reforms.

Lee Fang

December 23 2015, 7:08 a.m.

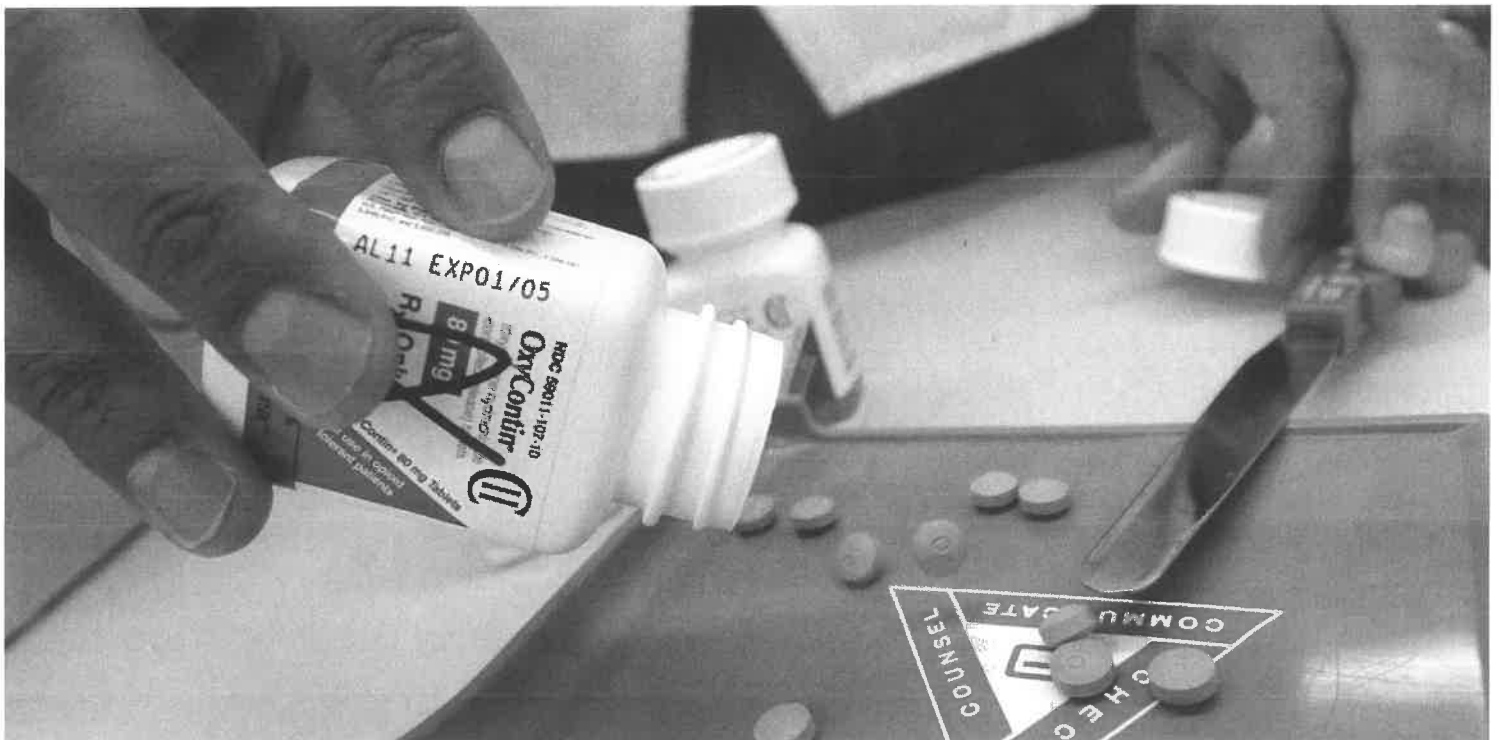


Photo: Darren McCollister/Getty Images

The pharmaceutical companies that manufacture and market OxyContin, Vicodin, and other highly addictive opioid painkillers – drugs that have fueled the epidemic of overdoses and heroin addiction – are funding nonprofit groups fighting furiously against efforts to reform how these drugs are prescribed.

While the Centers for Disease Control and Prevention was close to finalizing voluntary prescribing guidelines for opioid painkillers next month, it abruptly changed course. According to a report from the Associated Press, the CDC “abandoned its January target date, instead opening the guidelines to public” comment after a number of “industry-funded groups like the U.S. Pain Foundation and the American Academy of Pain Management warn[ed] that the CDC guidelines could block patient access to medications.”

The new guidelines would encourage doctors to prescribe opioids as a last choice for chronic pain, a sharp departure from the status quo, in which many doctors, under pressure from pharmaceutical sales representatives, often prescribe painkillers for mild back pain or a toothache. As experts note, many painkiller and heroin addicts start abusing opioids after receiving a legitimate prescription for pain-related medical issues.

An investigation by *The Intercept* has found that the pharmaceutical companies that dominate the \$9 billion a year opioid painkiller market have funded organizations attacking reform of the prescribing guidelines:

- The **Washington Legal Foundation**, a nonprofit that litigates to defend “free-market principles,” threatened the CDC with legal action if the agency moved forward with the proposed opioid guidelines. The WLG claimed the CDC’s advisory panel for the guidelines lacked “fair ideological balance,” because it included a doctor who is part of an advocacy effort against opioid addiction. The

WLG does not disclose donor information, but has filed friend-of-the-court briefs on behalf of Purdue Pharma, the makers of OxyContin. In a recent article with Pain News Network, a spokesperson for Purdue Pharma conceded: “We’re long-standing supporters of WLF, in addition to several other business and legal organizations. We’ve provided them with unrestricted grants.”

- The **Pain Care Forum** organized opposition to the CDC prescribing guidelines, mobilizing regular meetings among stakeholders opposed to the idea, according to an investigation by AP reporter Matthew Perrone. A recently re-filed complaint by the City of Chicago found that Burt Rosen, the chief in-house lobbyist for Purdue Pharma, controls the Pain Care Forum. A former drug company employee allegedly told investigators that Rosen tells the Pain Care Forum “what to do and how we do it.” The Pain Care Forum is funded through contributions by Purdue Pharma, as well as major opioid manufacturers Cephalon, Endo, and Janssen, a subsidiary of Johnson & Johnson.
- The **Power of Pain Foundation**, a group funded by Purdue Pharma, asked supporters to contact the CDC in opposition to the guidelines, claiming that “taking away pain medication and making providers afraid to prescribe due to your guidelines is only going to make more abusers, increase suicides, and tear apart the lives of millions.”
- The **U.S. Chamber of Commerce**, a corporate lobbying group that represents opioid manufacturers, including Johnson & Johnson, issued a press release masquerading as a news story criticizing the CDC guidelines. (The U.S. Chamber operates a public relations effort dressed up as a bona fide media outlet called Legal Newslane, which it uses to disseminate stories that support the political priorities of its member companies.)

The over-prescription of opioid products has made the United States the center of the painkiller abuse epidemic. Americans consume about 81

percent of the global supply of oxycodone products (the active ingredient in OxyContin) and almost 100 percent of hydrocodone (the active ingredient used in brands such as Vicodin). More than 16,000 people die from opioid painkiller overdose every year.

The skyrocketing use of opioids in America is also closely linked to the rising heroin crisis, which reached new heights this year. Prescription opioids, which provide a high that is very similar to heroin, are often a gateway drug. As many as four out of five heroin users get started with opioid painkillers.

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As the pandemic worsens, it's not just the virus itself that threatens human life. The corruption, cronyism, and incompetence of those in power is adding fuel to the fire. The public deserves to know more than just case counts and death tolls, which is why our reporters are digging deep to break stories on corporate profiteering and political jockeying that undermine public health.

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Alex Emmons — 10:18 a.m.

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The Intercept — 9:58 a.m.

The Times article on Winner's 2017 arrest and our reporting contains little new information, but a number of errors and a few significant points requiring clarification.

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José Olivares, John Washington — 7:24 a.m.

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